

U.S.S.N. 10/780,845 (DP-309762) - 5**REMARKS**

This amendment is accompanied by a Request for Continuing Examination.

Claims 1 – 13 stand rejected under 35 USC 102(b) as being anticipated by US 6067031 Janky et al. Janky et al discloses a system using multiple sensors for monitoring the location of objects relative to a vehicle; but applicants' claims contain numerous recitations not shown in Janky et al. Examiner declared these recitations to be method recitations in apparatus claims and thus gave them no consideration in previous examinations. Applicants have rewritten claims 1 – 13 with these recitations in means plus function format, as permitted by 35 USC 112, sixth paragraph, which states:

An element in a claim for a combination may be expressed as a means or a step for performing a specified function without the recitation of structure, material or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material or acts described in the specification and equivalents thereof.

Applicant points out that the "means or step for performing a specified function" in an apparatus claim constitutes a structural element ("structure" in the statutory paragraph) of the claim. Thus, all recitations of applicants' claims are apparatus recitations and must be given consideration in the examination relative to the prior art.

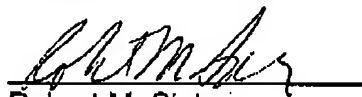
Now that all recitations of applicants' apparatus claims 1-13 are to be considered in the examination, applicants traverse the 35 USC 102(b) rejection of these claims, which are clearly not anticipated by Janky et al. Referring to claim 1, Janky et al do not disclose "means for estimating a crossing location of the object as a function of the first and second range measurements," as well as many other such recitations as pointed out in previous responses by applicants. Even if, in hindsight-inspired speculation, one suggested that it

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would be possible to add to the two radar sensors of the Janky et al system the apparatus of applicants or its equivalent suitable for performing the recited function, there is no teaching in Janky et al of such apparatus or an equivalent or, in fact, even of the function itself. With no such teachings, at the very least a rejection based on anticipation under 35 USC 102(b) is not supported and must be withdrawn. In addition, without the suggestion of the recited function, there is insufficient basis for *prima facie* obviousness under 35 USC 103(a). Applicants thus assert their belief that claims 1-13, as amended herein, are ready for allowance.

Please charge any deficiencies and credit any overpayment to Deposit Account No. 50-0831.

Respectfully submitted,



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